



1 Plaintiff Ed Hull (hereinafter referred to as “Plaintiff”) complains of  
2 ARMEHR Corp., a California corporation; and Does 1-10 (each, individually a  
3 “Defendant,” and collectively “Defendants”), and alleges as follows:

5 **I. INTRODUCTION: THE CROSSROADS OF CIVIL RIGHTS AND**  
6 **PRIVATE INFRASTRUCTURE REFORM**

8 The landlord community has demonized ADA lawsuits in order to avoid  
9 compliance with Federal law. Landlords often use heavy handed leases which  
10 unfairly and secretly foist the responsibility of access law compliance of *their*  
11 property onto the shoulders of the unfortunate business owner/lessor who does not  
12 see the landmine in the lease. Inevitable lawsuits by customers *against landlords*  
13 *who own the non-compliant property* asking for legally required features in the  
14 property are then mischaracterized as attacks on the unfortunate business  
15 owner/lessor by dastardly customers. This cynical and unfair tactic has caused  
16 administrative headaches for the courts which must deal with emotional and  
17 unnecessary litigation and has obscured the truth. In reality, the landlords’ goal is to  
18 save money by failing to bring the property into compliance and then when caught,  
19 blame the disabled customer and force the remediation costs upon the business  
20 owner. The landlord is the predator. Here are the facts:

22 Mass Non-Compliance with the ADA. Many places are dilapidated and need  
23 remediation. Non-compliance is rampant. Many if not most places are not fully  
24

1 compliant with access laws. Many properties have terribly dilapidated pavement,  
2 vandalized or missing access signage, incorrectly designed paths and have  
3 restrooms which are unusable for disabled people. These problems are common and  
4 egregious in many places.

5        No Government Oversight. The government will not provide inspections or  
6 monitoring of the vast swaths of privately owned land and buildings used by  
7 people. Incorrectly designed features will stay non-compliant. Many features will  
8 also erode with time from long term heavy usage, weather/climate ware, vandalism,  
9 etc.

10        Private Infrastructure Reform. The remediation and improvement to these  
11 properties is good for business. Improvements which better the land and bring the  
12 property into compliance with Federal law increase the property value and make the  
13 areas more appealing for customers.

14        Remediation Costs are Tiny Compared to the Wealth of the Landlord.

15        The costs of remediation in many instances are a tiny fraction of the income  
16 of most landlords, who typically own multiple commercial properties and are in the  
17 landlord business. The landlord that owns one property is indeed a rare creature in  
18 California. The value of the building, improvements and land for most properties,  
19 coupled with other properties owned, dwarfs the negligible expenses of  
20 remediation, which incidentally should have been made already without the need  
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1 for a lawsuit. The lawsuit is an unfortunate byproduct of the landlord's original  
2 refusal to follow the law. The landlord saved and avoided those costs until the case.  
3

4 Need for these cases. Despite the history of access cases there is still mass  
5 non-compliance. The deterrent effect has not been enough to bring about  
6 remediation such that these cases discontinue and are growing. Until the legislative  
7 intent arises to change the law so that government inspectors appear on the streets  
8 monitoring and enforcing access laws, these cases will be essential and important to  
9 giving access to all and to improving the landscape for all customers.  
10

## 12 II. PARTIES

13 1. Plaintiff Ed Hull suffers from neuropathy caused by advanced  
14 diabetes. He has significant impairment in his lower body, causing pain and limited  
15 range of movement. He experiences left knee pain and left shoulder pain. He has  
16 arthritis in his left shoulder, which also has a muscle tear. He uses a cane most of  
17 the time. Plaintiff is a disabled person entitled to the protections of the California  
18 Unruh Civil Rights Act (UCRA) (*see* Cal. Civ. Code §§ 51, *et seq.*, 52, *et seq.*), the  
19 Americans with Disabilities Act (ADA) (*see* 42 U.S.C. § 12102, *et seq.*), and other  
20 statutory laws which protect the rights of “disabled persons.” Plaintiff has been  
21 issued a Disabled Person Parking Placard, by the State of California. Plaintiff is a  
22 California resident with physical disabilities.  
23

24 2. Defendant ARMEHR Corp., a California corporation, owned the  
25  
26

1 property (the “Property”), located at 3817 W 3<sup>rd</sup> St., Los Angeles, CA 90020.  
2

3       3. There is a business establishment on the Property named “Chevron,”  
4 (“the business”).  
5

6       4. The business is a public accommodation as defined by 42 U.S.C. §  
7 12181(7).  
8

9       5. DOES 1 through 10 were at all relevant times lessors, lessees, property  
10 owners, subsidiaries, parent companies, affiliates, employers, employees, agents,  
11 corporate officers, managers, principles, and/or representatives of Defendants.  
12

13 Plaintiff is unaware of the true names and capacities of Defendants sued herein as  
14 DOES 1 through 10, inclusive, and, therefore, sues those Defendants by fictitious  
15 names. Plaintiff requests that the Court grant leave to amend this complaint to  
16 allege the true names and capacities when determined by whatever source.  
17

18       6. Defendants, at all relevant times, were relevant to this action; were the  
19 owners, franchisees, franchisors, lessees, lessors, general partners, limited partners,  
20 agents, affiliates, employees, employers, representative partners, subsidiaries,  
21 partner companies, and/or joint venturers of the remaining Defendants; and were  
22 acting within the course and scope of that relationship. Upon information and  
23 belief, Plaintiff alleges that each of the Defendants gave consent to, ratified, and/or  
24 authorized the acts alleged of each of the remaining Defendants.  
25

26       7. Plaintiff visited the public accommodations owned, leased, and/or  
27

1 operated by Defendants with the intent to purchase and/or use the goods, services,  
2 facilities, privileges, advantages, and/or accommodations offered by Defendants.  
3

4 **III. JURISDICTION & VENUE**

5 8. This Court has subject matter jurisdiction over this action pursuant to  
6 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) & (a)(4) for violations of the ADA.  
7

8 9. Pursuant to supplemental jurisdiction, an attendant and related cause of  
9 action, arising from the same nucleus of operative facts, and arising out of the same  
10 transactions, is also brought under the UCRA, which expressly incorporates the  
11 ADA.  
12

13 10. Venue is proper in this Court pursuant to 28 U.S.C. § 1331(b) because  
14 the real property which is the subject of this action is located in this district, and  
15 Plaintiff's cause of action arose in this district.  
16

17 **IV. FACTS**

18 11. The Property is a facility which is open to the public and includes  
19 business establishments.  
20

21 12. The Property has been newly constructed and/or underwent  
22 remodeling, repairs, or alterations after January 26, 1992. Defendants have failed  
23 to comply with California access standards which applied at the time of each new  
24 construction and/or alteration, and/or failed to maintain accessible features in  
25 operable working condition.  
26

27 13. Plaintiff visited the Property during the relevant statutory period on  
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1 two (2) separate occasions, in September 2021 and October 2021 to patronize the  
2 business on the Property.  
3

4 14. Defendants did not offer persons with disabilities with equivalent  
5 facilities, privileges, and advantages offered by Defendants to other patrons.  
6

7 15. Plaintiff encountered barriers, both physical and intangible, that  
8 interfered with, and denied, Plaintiff the ability to use and enjoy the goods, services,  
9 privileges, and/or accommodations offered at the Property.  
10

11 16. Parking is one of the facilities, privileges, and advantages offered by  
12 Defendants to patrons of the Property.  
13

14 17. However, there was no accessible parking for disabled patrons at the  
15 Property. The parking space(s) designated for disabled persons did not comply  
16 with the ADA.  
17

18 18. The parking area did not comply with the applicable California  
19 Building Code (CBC).  
20

21 19. When Plaintiff visited the Property, he experienced access barriers  
22 related to parking, signage, paths of travel, and restrooms.  
23

24 20. Plaintiff encountered the following barriers, conditions, and/or  
25 violations at the Property:  
26

27 **The property which serves Chevron has many violations of the ADAAG  
28 which are barriers to somebody like Plaintiff. There are major problems**

1 related to damaged and uneven surfaces. Some of the pavement  
2 distresses are from damage (such as cracks in the asphalt), some from  
3 bad design or installation (for example uneven pavement). The property  
4 is missing marked paths of travel from the access aisle. There are  
5 problems inside of Chevron also. There is no accessible sign upon  
6 entering the business. There are many other problems as well.

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9  
10 **VIOLATION of 1991 ADAS § 4.3.2(1); 2010 ADAS § 206.2.1; 2010 CBC**  
11  
12 **§ 1114B.1.2; 2019 CBC § 11B-206.2.1.** (Exterior route of travel.) An  
13 accessible route of travel is not provided to all entrances and portions of the  
14 building, to all entrances of the Property, and/or between the building and a  
15 public way. Plaintiff needs a dedicated path of travel, free of obstructions  
16 and vehicles, where (on which) Plaintiff can travel. It is dangerous for  
17 Plaintiff to navigate without a safe, protected, accessible route of travel; thus,  
18 the violation interferes with Plaintiff's ability to fully access the premises.  
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23 **VIOLATION of 1991 ADAS §§ 4.1.2(1), 4.3.2(1); 2010 ADAS §§ 206.1,**  
24 **206.2, 206.2.1, 206.2.2, 206.2.4; 2010 CBC § 1114B.1.2; 2010 CBC §**  
25  
26 **1127B.1; 2019 CBC §§ 11B-206.2.1, 11B-206.2.2, 11B-206.2.4.**

27 (Accessible route of travel.) At least one accessible route shall be provided  
28

1           within the site from accessible parking spaces and accessible passenger  
2           loading zones; public streets and sidewalks; and public transportation stops to  
3           the accessible building or facility entrance they serve. At least one accessible  
4           route shall connect accessible buildings, accessible facilities, accessible  
5           elements, and accessible spaces that are on the same site. The requisite  
6           accessible route of travel is not provided. There is no accessible route of  
7           travel from the designated disabled parking spaces, adjacent access aisle to  
8           the business/building entrance. Plaintiff needs an accessible route of travel,  
9           with level and smooth ground, free of obstructions and vehicles, whereupon  
10          Plaintiff can ambulate. It is dangerous for Plaintiff to travel these areas  
11          without a safe, protected, accessible route of travel; thus, the violation  
12          interferes with Plaintiff's ability to fully access the premises. The lack of a  
13          safe and accessible route, with a smooth and level surface, denied Plaintiff  
14          full and equal use or access during each of Plaintiff's visits by making it  
15          difficult/ harder for Plaintiff to traverse.

21  
22           **VIOLATION of 1991 ADAS § 4.1.2(7); 2010 ADAS § 216.6; 2010 CBC §**  
23  
24           **1127B.3; 2019 CBC § 11B-216.6. (Directional signage.)** There is no  
25          directional signage showing an accessible path of travel to an accessible  
26          entrance. Plaintiff faces an increased risk of injury if Plaintiff is required to  
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28

1 backtrack because Plaintiff cannot find an accessible entrance into the  
2 business/building. Thus, Plaintiff requires clear signage directing him to any  
3 accessible entrance(s). Accessible entrances should be marked with an  
4 International Symbol of Accessibility.

5

6

7 **VIOLATION of 2010 CBC § 1129B.4; 2019 CBC §§ 11B-502.8, 11B-**

8 **502.8.2. (Off-street unauthorized parking sign – not posted.)** The tow away  
9 sign(s) (white sign stating that “UNAUTHORIZED VEHICLES PARKED  
10 IN DESIGNATED ACCESSIBLE SPACES ... WILL BE TOWED  
11 AWAY”) must be posted in a conspicuous place at each entrance to an off-  
12 street parking lot (facility), or immediately adjacent to and visible from each  
13 designated parking stall (space). The requisite sign(s) are not posted.

14 Plaintiff must use the designated disabled parking spaces and requires the  
15 proper protections of an access aisle and an accessible route of travel to  
16 safely access the Property. Clear signage that explicitly warns of the  
17 consequences for improperly parking in the designated disabled parking  
18 spaces will deter others without disabilities from parking there.

19

20

21 **VIOLATION of 2019 CBC § 11B-502.6; 2010 ADAS § 502.6. (Sign**

22 obscured.) The sign identifying designated disabled parking space(s) is

1 illegible because it is covered with adhesive sticker(s) and/or graffiti. This  
2 makes it difficult for Plaintiff and other patrons to see and read the sign.  
3  
4 Plaintiff needs to be able to use an accessible parking space, with an access  
5 aisle, to safely access the Property. Clear signage that explicitly marks the  
6 designated disabled parking space will deter others without disabilities from  
7 parking in the space and thereby blocking Plaintiff from being able to use it.  
8 Plaintiff needs to park in the space that is nearest to the business entrance and  
9 designated for disabled patrons.  
10  
11  
12

13 **VIOLATION of 1991 ADAS § 4.3.7; 2010 ADAS § 403.3; 2019 CBC §**  
14 **11B-403.3.** (Route/path of travel – cross slopes.) The cross slopes of the  
15 route/path of travel are greater than two percent (2%). It is difficult for  
16 Plaintiff to travel on surfaces with excess slopes. Plaintiff is at risk of falling  
17 when there are surfaces with excess slopes. The presence of excess slopes  
18 denied Plaintiff full and equal use or access during Plaintiff's visits by  
19 making it difficult and/or uncomfortable for Plaintiff to traverse the  
20 property/route. The barrier also deterred/deters Plaintiff from visiting the  
21 Property because it would make it difficult and/or uncomfortable for  
22 Plaintiff to walk/traverse the property/route.  
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1                   **VIOLATION of 1991 ADAS §§ 4.5.2, 4.6.8; 2010 ADAS §§ 302.1, 303.1,**  
2                   **303.2, 303.3, 303.4; 2010 CBC §§ 1120B.2, 1133 B.7.1, 1133B.7.4; 2019**  
3                   **CBC §§ 11B-303.1, 11B-303.2, 11B-303.3, 11B-303.4, 11B-303.5.** (Abrupt  
4                   changes in level; uneven ground surface.) Floor and ground surfaces shall be  
5                   stable, firm, and slip resistant. Changes in level of 1/4 inch high maximum  
6                   shall be permitted to be vertical and without edge treatment. Changes in  
7                   level between ¼-inch high minimum and ½-inch high maximum shall be  
8                   beveled with a slope not steeper than 1:2. Changes in level greater than 1/2  
9                   inch high shall be ramped. The route of travel, including from the designated  
10                  disabled parking space to the entrance of the building/business, have an  
11                  uneven ground surface with changes in level exceeding one-half inch (1/2")  
12                  (and no ramps are provided). The route of travel has damaged ground which  
13                  is not flush or flat. The ground has pavement distresses. These pavement  
14                  distresses are made worse and exacerbated by design elements which do not  
15                  follow the ADAAG. These areas should be fixed immediately because they  
16                  pose a tripping and/or falling hazard. Plaintiff, a cannot safely and fully  
17                  enjoy the premises when such conditions are present. These excess changes  
18                  in level and uneven ground surfaces pose risks to Plaintiff, including that  
19                  Plaintiff's foot, may catch on the uneven ground causing Plaintiff to fall.  
20                  These abrupt changes in level pose an increased risk of danger to Plaintiff, as  
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1 Plaintiff is more likely to trip/fall than someone without disabilities. The  
2 excess changes in level (i.e., uneven ground) denied Plaintiff full and equal  
3 use or access during each of Plaintiff's visits by making it difficult/harder  
4 and more dangerous for Plaintiff to traverse the property/route. The excess  
5 changes in level (i.e., uneven ground) also deterred/deters Plaintiff from  
6 visiting the Property because it would be difficult/harder and more dangerous  
7 for Plaintiff to traverse the property/route.  
8  
9

10  
11  
**VIOLATION of 2010 CBC § 1133B.7.1; 1991 § ADAS § 4.3.8. (Walks/**

12 sidewalks – changes in level.)

13 The walk leading into the business does not  
14 have a continuous common surface because there are abrupt changes in level  
15 of more than one-half inch (1/2"). Plaintiff cannot fully enjoy the premises  
16 because these conditions pose a risk that, among other things, Plaintiff may  
17 fall and/or that Plaintiff's foot may become trapped in an uneven surface.  
18  
19

20  
21 21. Plaintiff personally encountered the foregoing barriers, conditions,  
22 and/or violations.  
23  
24

25 22. These barriers, conditions, and/or violations denied Plaintiff full and  
26 equal access, and caused him difficulty, humiliation, and/or frustration.  
27  
28

23. The barriers, conditions, and/or violations existed during each of

1 Plaintiff's visits in 2021.

2       24. Defendants knew that the foregoing architectural barriers prevented  
3 access. Plaintiff will prove that Defendants had actual knowledge that the  
4 architectural barriers prevented access, and that the noncompliance with the ADA  
5 Standards for Accessible Design (ADAS), ADA Accessibility Guidelines for  
6 Buildings and Facilities (ADAAG), and/or the California Building Code (CBC)  
7 was intentional.

8       25. Plaintiff intends and plans to visit the Property again soon. Currently,  
9 Plaintiff is reasonably deterred from returning to Defendants' public  
10 accommodation facilities because of the knowledge of barriers to equal access,  
11 relating to Plaintiff's disabilities, that continue to exist at the Property.

12       26. Defendants have failed to maintain in working and useable condition  
13 those features necessary to provide ready access to persons with disabilities.

14       27. Defendants have the financial resources (i.e., financial ability) to  
15 remove these barriers without much expense or difficulty in order to make the  
16 Property more accessible to their mobility impaired customers (i.e., disabled  
17 persons). The removal of these barriers is readily achievable. The United States  
18 Department of Justice has determined that removal of these types of barriers is  
19 readily achievable.

20       28. Defendants refuse to remove these barriers.

1       29. On information and belief, Plaintiff alleges that Defendants' failure to  
2 remove these barriers was/is intentional, because the barriers are logical and  
3 obvious. During all relevant times, Defendants had authority, control, and  
4 dominion over these conditions. Thus, the absence of accessible facilities was/is  
5 not a mishap; it was/is the result of intentional actions or inaction.  
6

7       30. These barriers to access are described herein without prejudice to  
8 Plaintiff citing additional barriers to access after further inspection by Plaintiff's  
9 agents and/or experts. *See Doran v 7-ELEVEN, Inc.*, 524 F.3d 1034 (9th Cir. 2008)  
10 (holding that once a plaintiff encounters one barrier at a site, a plaintiff can sue to  
11 have all barriers that relate to his or her disability removed, regardless of whether  
12 he or she personally encountered them).  
13

14                          **IV. FIRST CAUSE OF ACTION: VIOLATION OF THE**

15                          **AMERICANS WITH DISABILITIES ACT OF 1990**

16                          **(42 U.S.C. § 12101, *et seq.*)**

17                          (Against All Defendants)

18       31. Plaintiff alleges and incorporates by reference each and every  
19 allegation contained in all prior paragraphs of this complaint.  
20

21       32. Title III of the ADA prohibits discrimination against any person on the  
22 basis of disability in the full and equal enjoyment of the goods, services, facilities,  
23 privileges, advantages, or accommodations of any place of public accommodation  
24

1 by any person who owns, leases, or operates a place of public accommodation. 42  
2 U.S.C. § 12182(a).  
3

4 33. Defendants discriminated against Plaintiff by denying him “full and  
5 equal enjoyment” and use of the goods, services, facilities, privileges, and/or  
6 accommodations they offered during each visit, and each incident of a deterred  
7 visit.  
8

9 34. The acts and omissions of Defendants herein were/are in violation of  
10 Plaintiff’s rights under the ADA and the regulations codified at 28 C.F.R. Part 36,  
11 *et seq.*  
12

13 35. Pursuant to the ADA, discrimination is a “failure to make reasonable  
14 modifications in policies, practices or procedures, when such modifications are  
15 necessary to afford goods, services, facilities, privileges, advantages or  
16 accommodations to individuals with disabilities, unless the entity can demonstrate  
17 that making such modifications would fundamentally alter the nature of such goods,  
18 services, facilities, privileges, advantages or accommodations.” 42 U.S.C. §  
19 12182(b)(2)(A)(ii).  
20  
21

22 36. The ADA requires removal of architectural barriers in existing  
23 facilities where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv)  
24 (“discrimination includes … a failure to remove architectural barriers, and  
25 communication barriers that are structural in nature, in existing facilities, … where  
26  
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1 such removal is readily achievable"). The term "readily achievable" is defined as  
2 "easily accomplishable and able to be carried out without much difficulty or  
3 expense." 42 U.S.C. § 12181(9). Barriers are defined by reference to the ADA  
4 Standards for Accessible Design (ADAS), found at 28 C.F.R. Part 36, including the  
5 ADA Accessibility Guidelines for Buildings and Facilities (ADAAG), at Part 36,  
6 Appendix A.

7  
8  
9 37. If removal of any barrier is not readily achievable, a failure to make  
10 goods, services, facilities, or accommodations available through alternative  
11 methods is also prohibited if the alternative methods are readily achievable. 42  
12 U.S.C. § 12182(b)(2)(A)(v).

13  
14 38. Defendants can remove the architectural barriers at their facility  
15 without much difficulty or expense. Defendants violated the ADA by failing to  
16 remove the barriers because removal was readily achievable. For instance, there  
17 are companies which can repaint parking areas for as little as \$350. Defendants can  
18 afford such costs, which are a fraction of what Defendants receive in (rental or  
19 business) profits in connection with such a large and expensive property.

20  
21 39. Alternatively, if it was not "readily achievable" for Defendants to  
22 remove barriers at their facilities, Defendants violated the ADA by failing to make  
23 their services available through alternative methods which are readily achievable.

24  
25 40. On information and belief, Plaintiff alleges that the facility was altered  
26  
27

1 after January 26, 1992, mandating compliance with accessibility requirements  
2 under the ADA.  
3

4 41. The ADA requires that facilities altered in a manner that affects or  
5 could affect their usability must be made readily accessible to individuals with  
6 disabilities to the maximum extent feasible. 42 U.S.C. § 12183(a)(2).  
7

8 42. Defendants altered the facilities at the Property in a manner that  
9 violated the ADA, and/or failed to make the Property readily accessible to  
10 physically disabled persons to the maximum extent feasible.  
11

12 43. The ADA also requires reasonable modifications in policies, practices,  
13 or procedures, when such modifications are necessary to afford goods, services,  
14 facilities, privileges, advantages, or accommodations to individuals with  
15 disabilities, unless the entity can demonstrate that making such modifications  
16 would fundamentally alter the nature of such goods, services, facilities, privileges,  
17 advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).  
18

19 44. Defendants violated the ADA by failing to make reasonable  
20 modifications in policies, practices, or procedures at the Property when these  
21 modifications were necessary to afford (and would not fundamentally alter the  
22 nature of) the goods, services, facilities, privileges, advantages, or accommodations.  
23

24 45. Plaintiff seeks a finding from this Court that Defendants violated the  
25 ADA, so that he may pursue damages under California's Unruh Civil Rights Act.  
26  
27

46. Here Defendants' failure to make sure that accessible facilities were available to, and ready to be used by, Plaintiff was/is a violation of law.

47. Plaintiff would like to continue to frequent the Property. However, he is deterred from doing so because he has been discriminated against and is aware of accessibility barriers at the Property.

48. Among the remedies sought, Plaintiff seeks an injunction order requiring compliance with federal and state disability access laws, and remediation of the existing access violations (i.e., removal of the existing barriers) at the Property.

#### **V. SECOND CAUSE OF ACTION: VIOLATION OF THE**

## **UNRUH CIVIL RIGHTS ACT**

(Cal. Civ. Code §§ 51-53)

(Against All Defendants)

49. Plaintiff repleads and incorporates by reference, as though fully set forth herein, the allegations contained in all prior paragraphs of this complaint.

50. California Civil Code § 51 states, in part: "All persons within the jurisdictions of this state are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."

<sup>51.</sup> California Civil Code § 51 also states, in part: “No business

1 establishment of any kind whatsoever shall discriminate against any person in this  
2 state because of the disability of the person.”  
3

4       52. California Civil Code § 51(f) specifically incorporates, by reference,  
5 an individual’s rights under the ADA into the Unruh Civil Rights Act (UCRA).  
6

7       53. The UCRA also provides that a violation of the ADA, or California  
8 state accessibility regulations, is a violation of the UCRA. Cal. Civ. Code § 51(f);  
9 *see Arnold v. United Artists Theatre Circuit, Inc.*, 866 F. Supp. 433, 439 (N.D. Cal.  
10 1994).  
11

12       54. Defendants’ above-mentioned acts and omissions have violated the  
13 UCRA by denying Plaintiff his rights to full and equal use of the accommodations,  
14 advantages, facilities, privileges, and services they offer, on the basis of Plaintiff’s  
15 disability.  
16

17       55. Defendants’ above-mentioned acts and omissions have also violated  
18 the UCRA by denying Plaintiff his rights to equal access pursuant to the ADA; and,  
19 thus, Defendants are liable for damages. *See* Cal. Civ. Code § 51(f), 52(a).  
20

21       56. Because Defendants’ violation of the UCRA resulted in difficulty,  
22 discomfort, and/or embarrassment for Plaintiff, Defendants are each also  
23 responsible for statutory damages. *See* Cal. Civ. Code § 55.56(a), (c).  
24

25       //  
26       //  
27  
28

57. Plaintiff was (actually) damaged by Defendants' wrongful conduct. He seeks actual damages, and statutory minimum damages of four thousand dollars (\$4,000) for each offense (i.e., for each occasion that Plaintiff was denied full and equal access).

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, as follows:

1. For injunctive relief compelling Defendants to comply with the Americans with Disabilities Act and the Unruh Civil Rights Act. Note: Plaintiff is not invoking section 55 of the California Civil Code and is not seeking injunctive relief under the Disabled Persons Act.
  2. Damages under the Unruh Civil Rights Act, which provides for actual damages and statutory minimum damages of \$4,000 per each offense.
  3. Reasonable attorney fees, litigation expenses, and costs of suit, pursuant to 42 U.S.C. § 12205, and Cal. Civ. Code § 52.

## **DEMAND**

Plaintiff demands a bench trial on all issues so triable.

Dated: May 22, 2022

## THE LAW OFFICE OF HAKIMI & SHAHRIARI

By: /s/ Peter Shahriari

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**PETER SHAHRIARI, ESQ.**

Attorney for Plaintiff Ed Hull